

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*  
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM  
Section 3: Rio Cebolla

Subfile No. CHCB-005-0004

**REQUEST FOR PRETRIAL CONFERENCE**

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) and requests the Court to hold a pretrial conference under Rule 16 of the Federal Rules of Civil Procedure for the defendants and associated subfiles listed below in Section 3 of the Rio Chama Stream System:

Mario R. Martinez                      CHCB-005-0004

Sophia D. Martinez                    CHCB-005-0004

This pretrial conference is requested for the purpose on entering a scheduling order to govern individual proceedings between the State and the above-named defendants prior to an evidentiary hearing on the defendants’ claims. The State requests that the above-named defendants be required to attend the pretrial conference and notified that if they fail to attend the Court may enter an Order that incorporates the State’s proposed Consent Order in subfile CHCB-005-0004.

The State also informs the Court that defendant Mario R. Martinez filed Answers in this matter on June 29, 2001 (Docket No. 6275) and on July 16, 2001 (Docket No. 6276). However, neither

defendant attended a field office session to discuss their disagreement with the State's proposed Consent Order. The State has made a good faith effort to resolve any disagreement with the defendants, but the defendants have not responded to the State's repeated requests to arrange for an inspection of the property under this subfile.

Respectfully submitted,

/s/ Ed Newville  
EDWARD G. NEWVILLE  
Special Assistant Attorney General  
Office of State Engineer  
P.O. Box 25102  
Santa Fe, NM 87504-5102  
(505) 867-7444

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 1<sup>st</sup> day of May, 2008 I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail, and served the following non-CM-ECF participants in the manner indicated:

via first class mail, postage prepaid addressed as follows:

Mario R. Martinez  
Sophia D. Martinez  
P.O. Box 217  
Tierra Amarilla, NM 87575

/s/ Ed Newville  
EDWARD G. NEWVILLE